United Nations CEDAW/C/KWT/Q/5

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-eighth session
23 October-17 November 2017
Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the fifth periodic report of Kuwait

Reservations

1. Please provide updated information on the efforts of the State party to review its reservations to article 9 (2) and article 16 (1) (f) of the Convention, with a view to withdrawing them and/or narrowing their scope. Please also indicate whether the State party has studied the experience of other countries in the region that have succeeded in withdrawing and/or considerably narrowing their reservations to the Convention.

Discriminatory laws

2. Please indicate the measures taken to amend the provisions of the Personal Status Act that continue to discriminate against women, such as those relating to polygamy, divorce, custody of children and inheritance and those that impose male guardianship on women. Please indicate the steps taken to bring the Act into line with the Convention and other international legally binding instruments as measured by Sustainable Development Goal indicator 5.1.1, taking into consideration the experience of countries with similar social and cultural backgrounds and legal systems.

Access to justice and legal complaint mechanism

3. Please provide information on the number of complaints submitted by women since 2015 to the newly established national human rights institution, the Human Rights Bureau, the types of alleged violations and the outcome of the complaints. Please also provide information on the measures taken to ensure the independence of the institution, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles),

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its mandate in relation to women's rights and its human, financial and technical resources.

National machinery for the advancement of women

4. Please provide detailed information on measures taken to ensure that the Women's Affairs Committee has adequate human, financial and technical resources and decision-making authority to work effectively for the advancement of women and the promotion of gender equality at all levels, and indicate how its cooperation with civil society is ensured. Please indicate whether the State party has adopted a national strategy to support gender equality and the empowerment of women, in accordance with the provisions of the Convention, and whether it has integrated the 2030 Agenda for Sustainable Development into its plans of action.

Temporary special measures

5. In the report,[1] some examples are given of temporary special measures relating to the participation of women in political and public life (p. 12). The report does not, however, provide a clear picture of the application of such measures in the State party in other areas covered by the Convention. Please provide information and specific examples of the use of such measures by the State party, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 on temporary special measures, so as to promote and accelerate the realization of substantive equality of women with men.

Gender stereotypes

6. The report provides limited information on specific action taken by the State party to eliminate prejudices and customary and all other practices based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women, including by ensuring that its policies and programmes do not perpetuate gender stereotypes. Please provide detailed information on efforts undertaken, for example through revision of textbooks, media programmes, awareness-raising and educational campaigns addressing religious and community leaders, parents and teachers and capacity-building programmes for law enforcement officials, including police officers, judges, lawyers and prosecutors, to counter stereotypical attitudes towards girls and women, including those who experience multiple forms of discrimination on the basis of their ethnicity, age, disability or other characteristics.

Violence against women

7. Please provide information on measures taken to adopt specific legislation to criminalize acts of domestic and sexual violence, as well as to criminalize marital rape. Please provide information on the shelter facilities established for women who are victims of violence. Please also provide updated data on the number of reported cases of domestic and sexual violence against women, the number of criminal investigations and prosecutions for such cases and the sentences imposed on perpetrators, as well as regarding the remedies, including compensation, provided to women. Please provide information on the mandate of the joint national committee established to address cases of domestic violence.

8. Please provide detailed information on the establishment of family courts and specify how the family courts' new centres will protect women and children from

[1] Unless otherwise indicated, page numbers refer to the fifth periodic report of the State party (CEDAW/C/KWT/5).

violence by family members. Please indicate whether the Ministry of Justice has issued regulations for these centres.

Trafficking and exploitation of prostitution

9. The report provides information on the adoption of Act No. 91 (2013) on trafficking in persons and smuggling of migrants (p. 14). Please provide detailed and updated information on the mechanisms in place for monitoring and coordinating the implementation of the Act, and on steps taken to develop and implement an updated multi-year national anti-trafficking strategy and action plan. Please provide information on the protection and rehabilitation services available to women and girls who are victims of trafficking. Please also provide information on measures taken to collect and analyse data on trafficking in women and to investigate and prosecute trafficking offences. Please indicate the mechanisms available to prevent trafficking in women and girls, especially groups of women in disadvantaged situations such as women migrant workers, and to identify victims of trafficking at an early stage. Please also indicate the number of inspectors specifically dealing with trafficking cases, the training that they have received to identify women and girls who are victims of trafficking, the number of trafficking cases involving women and girls that have been prosecuted and the sanctions imposed on the perpetrators.

Participation in political and public life

10. Please provide information on measures, including temporary special measures, taken to increase the representation of women in public life, in particular at the highest levels of the Government, in the parliament, in the judiciary, in the diplomatic service, in the military and in decision-making positions in all areas. Please provide information on awareness-raising campaigns on women's civil and political rights to encourage them to vote in elections and actively participate in political and public life.

Nationality

11. Under the Kuwait Nationality Act (1959), Kuwaiti women cannot transmit their nationality to their foreign husband and children on an equal basis with Kuwaiti men married to foreign nationals. Please provide information on measures taken and/or envisaged to amend the Act to ensure that women and men have equal rights with regard to nationality. Please also provide information on the number of *bidun* (stateless) women and girls who have received citizenship since 2014, how many of them remain stateless and the measures taken to eliminate statelessness in the State party, in line with the Committee's general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women.

Education

12. Please indicate the percentage of women in each field of study and measures taken to increase the number of women and girls enrolled in non-traditional fields of study, such as science, technology, engineering and mathematics. Please provide information on measures taken to provide women and girls with career guidance. Please also provide data on the enrolment of children of migrant women and information on measures taken to ensure that such children have access to affordable, high-quality education.

Employment

13. It is indicated in the report that women continue to be restricted in their choice of profession, given that they cannot be employed at night or in hazardous and arduous work (p. 23). Please provide information on measures taken to remove these restrictions to avoid stereotypical assumptions in training and employment with respect to women's aspirations, suitability and capacity for certain jobs. Please provide updated data on the percentage of women in the labour force, disaggregated by field of activity, in the public and private sectors and by occupation rate (full-time or part-time). Please provide information on measures taken to reduce the gap between the economic activity rates of men and women and the low number of women in management positions to date, as well as the outcome of those measures. Please provide information on steps taken to adopt specific legislation to prohibit sexual harassment in the workplace.

Health

14. The report does not provide information on the availability of safe abortions and of modern methods of contraception for women. Please indicate whether abortion is criminalized in the State party and under what circumstances legal abortion is available to women, as well as whether safe, high-quality post-abortion care services are available in all cases. Please also provide information on measures taken to implement the Committee's previous recommendations (see CEDAW/C/KWT/CO/3-4, paras. 43 (b) and 43 (d)) to abolish, as a matter of priority, the requirement of a male guardian's consent for urgent and non-urgent medical treatment to be provided to a woman and to adopt medical standards and provide for implementation mechanisms establishing that rape and incest constitute grounds for abortion.

15. Please provide information on steps taken to adopt a law on mental health to regulate the detention and treatment of mentally ill patients in psychiatric hospitals in accordance with international standards, including a determination of detention and its duration by the court, as previously recommended by the Committee (see ibid., para. 43 (c)).

Women migrant domestic workers

16. The report is silent on the situation of women migrant workers. Please provide information on the implementation of the Committee's previous concluding observations (ibid., paras. 41 and 47) relating to working conditions and legal protection of women migrant workers, including domestic workers, and on their access to justice, health and social protection. Please provide information on steps taken to align the new Domestic Workers Act of 2015 and its implementation regulations with international standards, including by ratifying the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization and ensuring that domestic workers have equal rights compared with other workers under the labour law, and to establish enforcement mechanisms such as requiring employer participation in the dispute resolution process and penalties for employers found guilty of harassment and abuse of women migrant domestic workers, as well as for confiscating passports and failing to provide adequate working conditions.

17. Please provide information on the functioning of the government-sponsored labour recruiting company and on measures taken to abolish the *kafalah* system for all migrant workers, including women domestic workers, to allow them to leave or change employers at will and without losing their legal status.

Civil society organizations and women human rights defenders

18. Please provide information on measures taken to create and ensure an enabling environment in which civil society and women's rights organizations can freely operate and on the legal requirements for the registration and operation of non-governmental organizations, including those relating to women's human rights. Please also indicate measures taken, including legislative measures, to ensure the diversity and independence of civil society organizations and freedom of expression for all sectors of society.

19. Please provide information on steps taken to remove restrictions, amend laws and guarantee the right to freedom of expression, association and peaceful assembly for women journalists, activists and human rights defenders.

Marriage and family relations

20. Please provide information on the implementation of the Committee's previous recommendations with respect to marriage and family relations (see ibid., para. 51), including measures taken to increase the minimum age of marriage for women and men to 18 years and to eliminate the requirement of the consent of a *wali* (male guardian) for a Sunni woman to marry. Please indicate the measures taken to raise awareness of women's equal rights in marriage and family matters.

Optional Protocol to the Convention

21. Please indicate any progress made towards the accession of the State party to the Optional Protocol to the Convention.